

U.S. COURTS

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REC'D \_\_\_\_\_ FILED \_\_\_\_\_  
DAVID S. DURKE  
CLERK, IDAHO

The Honorable Terry L. Myers  
Chapter 7

1 John R. Rizzardi, WSBA No. 9388  
2 Admitted Pro Hac Vice  
3 Cairncross & Hempelmann, P.S.  
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8 UNITED STATES BANKRUPTCY COURT FOR THE  
9 DISTRICT OF IDAHO

10 In re:

11 FRANK L. CHAPIN and  
12 SYDNEY L. GUTIERREZ-CHAPIN,

13 Debtors.

NO. 02-20218

14 NOTICE OF MOTION FOR ORDER  
15 CLARIFYING INAPPLICABILITY OF  
16 AUTOMATIC STAY

17 **RESPONSES DUE: October 20, 2003**

18 TO: DEBTORS; DEBTORS' ATTORNEYS; CHAPTER 7 TRUSTEE; US TRUSTEE; and  
19 ALL PARTIES IN INTEREST

20 PLEASE TAKE NOTICE that Dr. Frederick Leaf, by and through his attorneys of record,  
21 has moved this court for entry of an order clarifying the inapplicability of the automatic stay  
22 pursuant to 11 U.S.C. § 105 and § 362(a) and other applicable statutes. The motion seeks an  
23 order stating that the automatic stay in the Debtors' bankruptcy case does not apply to prevent  
the collection of debts or recovery of assets owned by, or litigation against, non-bankrupt

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NOTICE OF MOTION FOR ORDER CLARIFYING  
INAPPLICABILITY OF AUTOMATIC STAY - 1

ORIGINAL

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1 corporations, partnerships, limited liability companies, or trusts, because such assets do not  
2 constitute property of their bankruptcy estate.

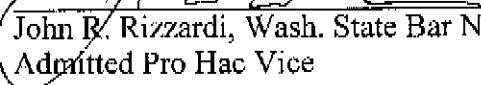
3 IF YOU OPPOSE entry of a final order on the above-identified Motion, you must file  
4 your written response with the court clerk and deliver copies on the undersigned NOT LATER  
5 THAN the RESPONSE DATE, which is October 20, 2003. You must also obtain a hearing date  
6 from the court clerk in accordance with Local Rule 2002.2(e)(2).

7 IF NO RESPONSE IS TIMELY FILED AND SERVED, the Court may, in its discretion,  
8 GRANT THE MOTION WITHOUT FURTHER NOTICE.

9 Copies of the Motion and related filings are on file with the Clerk of the United States  
10 Bankruptcy Court and may be viewed during normal business hours, or retrieved from the  
11 Court's website, [www.id.uscourts.gov](http://www.id.uscourts.gov). In addition, copies of the Motion and related documents  
12 may be obtained by written request to John R. Rizzardi at Cairncross & Hempelmann, P.S., 524  
13 Second Avenue, Suite 500, Seattle, Washington 98104-2323, phone number (206) 587-0700, fax  
14 number (206) 587-2308.

15 Dated this 1 day of October, 2003.

16 CAIRNCROSS & HEMPELMANN, P.S.

17   
18 John R. Rizzardi, Wash. State Bar No. 09388  
19 Admitted Pro Hac Vice  
20 Attorneys for Frederick A. Leaf